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BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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MAR 17 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In The Matter of)

Revision of the Commission's Rules)
to Ensure Compatibility With)
Enhanced 911 Emergency Calling)
Systems)

CC Docket No. 94-102

To: The Commission

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REPLY COMMENTS OF THE SOUTHERN COMPANY

The Southern Company ("Southern"), by its attorneys and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communication Commission ("FCC" or "Commission"), submits these Reply Comments in response to the Comments filed by other parties in response to the Notice of Proposed Rule Making ("NPRM") in the above-captioned proceeding.^{1/}

STATEMENT OF INTEREST

1. Southern is a licensee of numerous Specialized Mobile Radio ("SMR") stations throughout Alabama, Georgia, the panhandle of Florida and southeastern Mississippi.^{2/}

^{1/} 9 FCC Rcd 6170 (1994).

^{2/} Southern is an electric utility holding company which wholly owns the common stock of five electric utility operating companies, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, (continued...)

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As a wide-area interconnected SMR licensee, Southern appears to fall within the definition of a Commercial Mobile Radio Service ("CMRS") provider as set forth in the Omnibus Budget Reconciliation Act of 1993 ("Budget Act"). As such, Southern will be affected by the FCC's proposal in this proceeding to require that CMRS providers meet certain requirements with respect to making their systems compatible with enhanced 911 ("E911") services. Southern appreciates the opportunity to respond to the Comments submitted in this proceeding.

REPLY COMMENTS

2. Southern commends the Commission on the initiation of this proceeding. The public interest will be greatly

^{2/}(...continued)

Savannah Electric and Power Company, and a system service company, Southern Company Services, Inc., which together operate an integrated electric utility system which serves over 11 million consumers in a contiguous area of 122,000 square miles, including most of the State of Alabama, almost all of the State of Georgia, the panhandle of Florida, and 23 counties in southeastern Mississippi. Southern is in the process of improving its mobile radio communications and is implementing a wide-area digitally enhanced 800 MHz system. Southern will sell the excess capacity of its system to state and local government, utilities, industrial and commercial users, and other customers who can use the dispatch, two-way, voice, and data transmission capabilities of Southern's wide-area SMR system. The Southern wide-area SMR system will provide service in rural and urban areas corresponding with its utility system operations.

served by extending the availability of E911 services to users of wireless communications services. Unfortunately, the Commission's proposed road map for arriving at a laudatory goal involves numerous potholes. Most significantly, the Commission's proposed timetable for CMRS providers to achieve certain location identification capabilities is unrealistic. These Reply Comments focus primarily on issues raised by the commenters with respect to the implementation of automatic location identification ("ALI"). However, some related issues are also discussed. These Reply Comments are limited to the E911 proposal for CMRS providers, and do not discuss issues related to E911 compatibility with private branch exchanges.

3. Southern agrees with the Cellular Telephone Industry Association ("CTIA") and the numerous other commenters who indicate that the FCC's three phase proposal for the achievement of CMRS location identification capabilities^{3/} is premature.^{4/} As these parties note, the

^{3/} Under the proposed rules, a wireless system would have to be capable of identifying the location of a mobile unit with varying degrees of accuracy over a five year period. One year after adoption of the proposed rules, a system would be required to have the ability to relay location of the nearest base station or cell site to the nearest public service answering point ("PSAP") where the 911 call is received. After three years, information provided to the PSAP must include location and distance of the mobile unit

(continued...)

technology does not now exist that would enable CMRS providers to meet the proposed timetable. More importantly, given the current state of technology, there is virtually no likelihood of the equipment industry developing technical solutions to the achievement of the proposed location identification standards within the Commission's proposed timeframe.^{3/} In this regard, the proposal set forth in one set of comments that the Commission should require ALI accuracy within 10 meters (rather than 125 meters as proposed by the Commission) bears no relation to reality.^{6/} While such accuracy may someday be achievable, it is not

^{3/} (...continued)

from the base station or cell site. After five years, the mobile unit must be capable of being located in a three dimensional environment within a 125 meter radius.

^{4/} See e.g., Comments of Personal Communications Industry Association ("PCIA"); Vanguard Cellular Systems, Inc. ("Vanguard"); Nextel Communications, Inc. ("Nextel"); ALLTEL Mobile Communications, Inc.; U S WEST, Inc. ("US West"); and the Maryland Emergency Number Systems Board ("MENSBB").

^{5/} See e.g., Comments of PCIA at pp. 11-20 (full deployment of ALI technology unlikely to occur prior to 2002). In its Comments, the State of New Jersey urges the Commission to shorten its proposed deadline for wireless 911 ALI from five to four years. Comments of the State of New Jersey at p. 16. There is no technical basis for the achievement of such a deadline, and the State of New Jersey makes no attempt to provide one.

^{6/} Comments of the Association of Public-Safety Communications Officials-International, Inc., the National Emergency Number Association, and the National Association of State Nine One One Administrators (collectively, "APCO") at p. 42.

likely to be achieved within the reasonably foreseeable future, and certainly not within five years. Moreover, in the vast majority of instances, such pinpoint accuracy is unnecessary for emergency response personnel to locate the caller.^{2/}

4. Given the undeveloped state of wireless ALI technology, the Commission's proposed five year timetable for implementation of ALI is not only unrealistic, it may be counterproductive and contrary to the public interest. As CTIA notes, there are a number of technological alternatives which can be identified today that may evolve into technically and economically feasible solutions to the ALI problem at some point in the future. However, each of these alternatives pose significant potential problems in terms of cost, compatibility and utility. Technology capable of meeting the proposed requirements and timetable for Phases I and II may be entirely incompatible with meeting the FCC's ultimate goal of CMRS capability to provide three dimensional ALI within a radius of 125 meters. As CTIA suggests, the schedule proposed in the NPRM may therefore

^{2/} Southern recognizes that in some urban environments greater accuracy than that proposed by the Commission may be required. Southern does not dispute the desirability of such capabilities, but simply the possibility of achieving them within the proposed timeframe.

require both carriers and PSAPs to invest in equipment that would almost immediately become obsolete.^{8/} Ultimately, the costs involved in attempting to comply with the proposed implementation schedule may drive up the costs of wireless service to the point where consumer demand for such service begins to diminish significantly.^{9/} In such an event, the anticipated public interest benefits of expanded E911 capability will be lost due to the decreased use of wireless services.

5. For these reasons, Southern agrees with the proposal set forth by several commenters that, rather than mandate unachievable and impractical deadlines, the FCC establish an Industry Advisory Committee to develop and recommend workable technical standards.^{10/} Once such standards have been developed, an FCC proposed implementation schedule based on industry recommendations may be appropriate.

^{8/} CTIA Comments at p. 10.

^{9/} See ALLTEL Comments at p. 5.

^{10/} See Comments of CTIA at pp. 17-18; ALLTEL at pp. 5-6; see also Comments of PCIA at pp. 3-5; Nextel at p. 2; MENSBB at p. 1.

6. Should the Commission nonetheless decide to impose specific ALI implementation deadlines at this time, it should adopt a schedule no more rigorous than the one proposed by Vanguard in its comments. Under this schedule, the deadlines for achieving Phase I and Phase II capabilities would be pushed back by two years, while a Phase III deadline would not be established until after the completion of a subsequent rulemaking to be commenced in five years, or earlier if developments warrant. Vanguard Comments at pp. 18-28.

7. In its comments, Vanguard also questions the feasibility of CMRS providers meeting the proposed one year deadline for assigning emergency calls priority over non-emergency service calls. Vanguard states that carriers will require at least two to three years before 911 call priority capabilities can be developed and implemented in a cost-effective way. Vanguard Comments at p. 18. Southern agrees with CTIA that this issue too should be addressed in an advisory committee forum. CTIA Comments at pp. 13-14. However, should the Commission elect to impose specific implementation deadlines, call priority capability should not be required for at least two years after such rules are adopted.

8. Regardless of what requirements the Commission ultimately adopts, CMRS providers should not be required to implement the new features until PSAP operators are equipped to handle the information that would be transmitted by the CMRS provider. As CTIA points out, 911 and E911 services remain unavailable to approximately 65% of the geographic area comprising the United States, and to 25% of the population. CTIA Comments at p. 16. Southern strongly supports the proposal set forth by CTIA and SBC Communications, Inc. that any requirement the FCC ultimately adopts should apply only upon receipt by a CMRS provider of a bona fide request from a PSAP actually capable of processing the information to be provided.^{11/}

9. CMRS providers should not be held liable as a result of their provision of E911 service. Because CMRS providers may not tariff their services, and therefore may not limit their liability, as wireline carriers do, pursuant to tariff, a federal rule limiting the liability of wireless service providers in their provision of 911 and E911 services is necessary. In this regard, Southern supports

^{11/} Comments of CTIA at p. 19; SBC Communications, Inc. at p. 7.

adoption of the limitation of liability language suggested by PCIA.^{12/}

10. Lastly, Southern wishes to draw the Commission's attention to CTIA's discussion of the proposed equipment labelling requirements. CTIA Comments at pp. 21-22. CTIA points out some of the unintended consequences of requiring specific labelling on a product intended for use in multiple service areas. Absent careful consideration of the issues raised by CTIA, labelling, rather than providing the end user with clear information concerning E911 capabilities, may result in additional confusion to the user.

^{12/} PCIA Comments at pp. 27-28; see also CTIA Comments at pp. 20-21.

WHEREFORE, THE PREMISES CONSIDERED, The Southern Company respectfully requests that the Federal Communications Commission take action in a manner consistent with the views expressed herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Patt Meyer, a secretary in the law firm of Keller and Heckman, do hereby certify that a copy of the REPLY COMMENTS OF THE SOUTHERN COMPANY has been served this 17th day of March, 1995 by mailing U.S. First-Class, postage prepaid, to the following:

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